Remarks

Applicant makes no amendments to the claims at present. It is respectfully submitted that the claims are distinct over the prior art references cited by the Examiner, and applicant traverses the claim rejections under 35 USC §102(e) and §103(a), for the following reasons.

Referring to paragraphs 3 to 5 of the detailed action, applicant believes the Examiner may not have fully understood the present Invention as claimed. To briefly summarize the present invention, a Sonet/SDH network or sub-network (the synchronous transmission network of claim 1) has two ingress ports (the first and second data ports) for receiving data traffic (first data signal) carried over two different transmission paths (the first and second transmission paths) – for example, a main and standby path providing path protection. A path selection module selects which of the paths is to be used (for example on the basis of quality of signal) and data received on the selected path is output at the egress point (the third data port). Thus far, claim 1 describes known features of path protection.

However, applicant has realized that while the path selected for use (i.e. the first or second transmission path of claim 1) is known at the egress point, it will not be known at the two ingress points. This information may be useful for various purposes. For example, it may be useful for performance monitoring at the ingress points. Two possible solutions to this problem are described by the applicant at page 3, line 14 to 25 of the present invention. Disadvantages of those two possible approaches are also described. Applicant has realized that a fast and economical approach to the problem is as follows:-

The egress point (third data port) is arranged to receive a second data signal and communicate that data signal to each of the ingress points (first and second data ports). Further, a message encoding module is arranged to encode the path

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selection information in at least one pointer bit of the Sonet/SDH path followed by the second data signal (the second data signal transmission path of claim 1) thereby to enable the ingress points to determine which path has been selected by examining the at least one pointer bit. These features are set out clearly in claim 1 as presented on page 31, lines 1 to 11 of the present application.

The Examiner will hopefully now appreciate why Taniguchi (US 6,496,518) is irrelevant to the present invention. For completeness, however, applicant points out that the passages cited by the Examiner as anticipating the last two integers of claim 1 as presented on page 31, lines 1 to 11 of the present application merely disclose "pointer processing ... for example, phase adjustment processing for synchronization between a transmission frame and a main signal ..." (column 13, line 37 to 39). There is absolutely no disclosure in Taniguchi, or indeed in any of the other references cited, of a message encoding module as claimed (claim 1, page 31, lines 1 to 5) nor of the ingress ports being arranged as recited in claim 1 (page 31, lines 7 to 11).

The Examiner's rejection of the remaining claims are considered moot in view of the above. However, regarding the rejection under 35 USC §103(a) presented at paragraphs 6 and 7 of the detailed action, applicant respectfully points out that no suggestion/motivation to combine the three references cited is identified in the references themselves. The assertion by the Examiner that "the suggestion/motivation to do so would have been to synchronize data signals with the internal clock rate and adjust pointer bits" is, it is submitted, an instance of impermissible hindsight reasoning.

Referring to paragraph 2 of the detailed action of October 25, 2003, applicant respectfully points out the "one data port" and "other data port" are capable of bi-directional communication (see fig 3 and page 16, line 25 to page 17, line 2 of the

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description). Therefore, it is inappropriate to characterize them as either input or output ports.

Accordingly, applicant believes the present invention is patentably distinct over the prior art references cited by the Examiner and respectfully respects favorable reconsideration.

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Respectfully submitted,

William M. Lee, Jr.
Registration No. 26,935
Barnes & Thornburg
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 214-4800
(312) 759-5646 (fax)

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